

346

Agenda Item #:

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

**Meeting Date:** November 18, 2008       **Consent**       **Regular**  
 **Ordinance**       **Public Hearing**

**Department:** Facilities Development & Operations

**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to:  
**A) adopt** a resolution authorizing the conveyance of the County's interest in three (3) properties, totaling 0.26 acres of vacant land, to the City of South Bay without charge and with reservation of mineral and petroleum rights, but without rights of entry and exploration; and  
**B) approve** three (3) County Deeds in favor of the City of South Bay.

**Summary:** The City of South Bay has requested the conveyance of three (3) parcels of County-owned unimproved surplus property acquired by tax deeds between February 2002 and October 2005. The parcels total 0.26 acres, are located within the City's municipal boundaries and have a total assessed value of \$17,676. Section 197.592(3), F.S., requires the conveyance of surplus property acquired by tax deed to the municipality in which it is located. The subject properties have been declared surplus as they serve no present or future County purpose. The City proposes to utilize the property for housing, landscaping or community-related programs. Staff believes that this property will be more appropriately developed, managed and maintained by the City. Housing & Community Development (HCD) has reviewed this conveyance and has no objections. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. The County will retain mineral and petroleum rights in accordance with Section 270.11, F.S., without rights of entry and exploration. As the City is a municipal corporation, a Disclosure of Beneficial Interests form is not required. (PREM) District 6 (HJF)

**Background and Justification:** The three (3) unimproved parcels totaling 0.26 acres escheated to the County between 2002 and 2005. PREM, in response to direction from the Real Estate Assets Task Force, has developed a program to convey to the municipalities in which they are located, County property which is surplus and provides little opportunity to further a County function. Staff feels strongly that the most cost effective method to dispose of these parcels is to convey them at no cost to the City as the municipality is in a better position to determine how this property should be used and maintained. This conveyance will relieve the County of potential liability for occurrences on this property and also the cost of continued maintenance. Further, HCD has reviewed the conveyance and has no objections.

- Attachments:**
1. Location Map
  2. Resolution
  3. County Deeds
  4. Letter of request from the City of South Bay
  5. Florida Statutes Sections 197.592(3) and 270.11
  6. Disposition Summary

**Recommended By:** RCF Army Wolf      10/12/08  
**Department Director**      **Date**

**Approved By:** [Signature]      10/17/08  
**County Administrator**      **Date**

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>*<u>_____</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>	<b><u>-0-</u></b>
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

Is Item Included in Current Budget: Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
 Program \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

\* Conveyance of this property will eliminate the County's ongoing maintenance and liability.

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Development Comments:**

atwhite 10.21.08  
 OFMB  
 (NO) 10/21/08  
 10/22/08

Dr. J. J. [Signature]  
 Contract Development and Control  
 10/22/08

**B. Legal Sufficiency:**

[Signature]  
 10/23/08  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

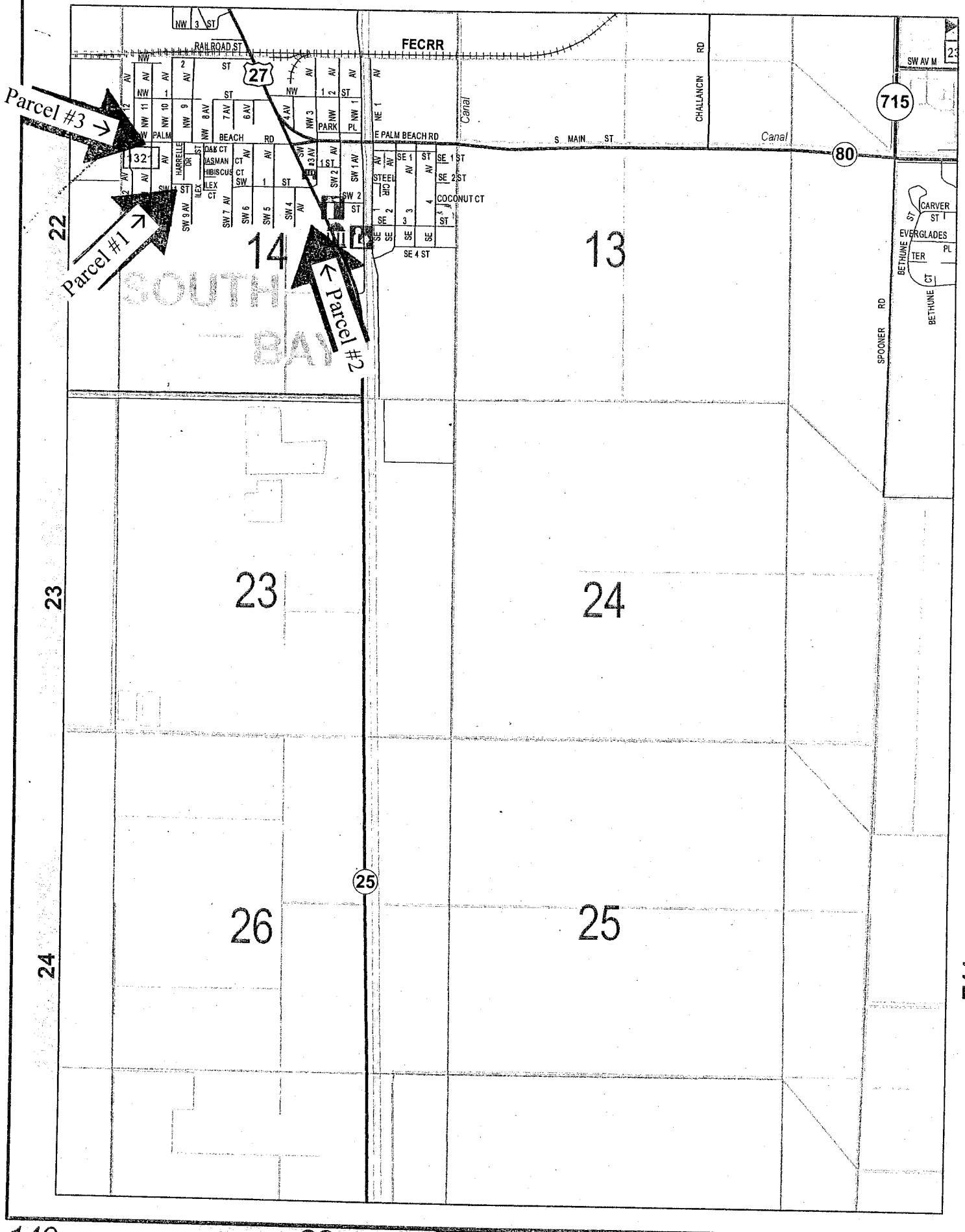
**This summary is not to be used as a basis for payment.**

149

R41  
QQ

See pg 146

R41  
PP



149

QQ

No Cont. map

PP

LOCATION MAP

ATTACHMENT # 1

Handwritten signature or initials, possibly "II" or "P", located in the bottom right corner of the page.

**RESOLUTION NO. R-2008-**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO CITY OF SOUTH BAY WITHOUT CHARGE AND WITH MINERAL AND PETROLEUM RIGHTS RESERVATION WITHOUT RIGHTS OF ENTRY AND EXPLORATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the County owns three (3) properties within the municipal boundaries of the City of South Bay which were acquired for delinquent taxes; and,

**WHEREAS**, Florida Statutes Section 197.592(3) states that under certain conditions, the County is to convey to municipalities in which they are located, properties acquired by the County for delinquent taxes and that any liens of record held by the County on such properties shall not survive the conveyance to the municipalities; and,

**WHEREAS**, the subject lands have not been previously sold, have not been acquired for infill housing, have not been dedicated by the Board of County Commissioners, and shall not be conveyed to the record prior fee simple title owner; and,

**WHEREAS**, pursuant to Florida Statute Section 270.11, the City of South Bay has requested that such property be conveyed without reservation of and to release the rights of entry and exploration relating to such mineral and petroleum rights; and,

**WHEREAS**, the Board of County Commissioners of Palm Beach County has agreed to convey such property reserving phosphate, mineral, metals and petroleum rights but releasing any and all rights of entry and exploration relating to such rights.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**Section 1. Recitals**

The foregoing recitals are true and correct and incorporated herein by reference.

**Section 2. Authorization to Convey Real Property**

The Board of County Commissioners of Palm Beach County shall convey to the City of South Bay without charge and by County Deeds attached hereto and incorporated herein by reference, the real property legally described in such deeds. Any liens of record held by the County on the subject lands shall not survive the conveyance to the City of South Bay.

**Section 3. Conflict with Federal or State Law or County Charter**

Any statutory or Charter provisions in conflict with this Resolution shall prevail.

**Section 4. Effective Date**

The provisions of this Resolution shall be effective immediately upon adoption hereof.

The foregoing resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The Motion was seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote was as follows:

COMMISSIONER \_\_\_\_\_, CHAIR  
COMMISSIONER JOHN F. KOONS, VICE CHAIR  
COMMISSIONER KAREN T. MARCUS  
COMMISSIONER \_\_\_\_\_  
COMMISSIONER MARY MCCARTY  
COMMISSIONER \_\_\_\_\_  
COMMISSIONER JESS R. SANTAMARIA

The Chair thereupon declared the resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

PALM BEACH COUNTY, a political  
subdivision of the State of Florida  
BOARD OF COUNTY COMMISSIONERS

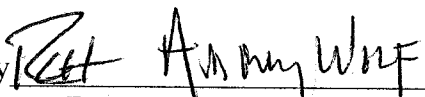
SHARON R. BOCK  
CLERK & COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By \_\_\_\_\_  
Assistant County Attorney

APPROVED AS TO TERMS  
AND CONDITIONS

By  \_\_\_\_\_  
Department Director

PREPARED BY AND RETURN TO:  
Steven K. Schlamp, Property Specialist  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 58-36-44-14-05-001-0060

Closing Date: \_\_\_\_\_

Purchase Price: \$-0-

## COUNTY DEED

This COUNTY DEED, made \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791, "County", and the CITY OF SOUTH BAY, a municipal corporation, whose legal mailing address is 335 S.W. 2<sup>nd</sup> Avenue, South Bay, Florida, 33493, "City".

### WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by City, the receipt whereof is hereby acknowledged, has granted, bargained and sold to City, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

FISHERS SEC ADD LT 6 BLK A. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 22934 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 19437, PAGE 1928, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths ( $\frac{3}{4}$ ) interest in, and title in and to an undivided three-fourths ( $\frac{3}{4}$ ) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half ( $\frac{1}{2}$ ) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include and County hereby expressly releases any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

### ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

PALM BEACH COUNTY, a political  
subdivision of the State of Florida

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
, Chair

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

**ATTACHMENT #3**

PREPARED BY AND RETURN TO:  
Steven K. Schlamp, Property Specialist  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 58-36-44-14-07-000-0341  
Closing Date: \_\_\_\_\_  
Purchase Price: \$-0-

## COUNTY DEED

This COUNTY DEED, made \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791, "County", and the CITY OF SOUTH BAY, a municipal corporation, whose legal mailing address is 335 S.W. 2<sup>nd</sup> Avenue, South Bay, Florida, 33493, "City".

### WITNESSETH:

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by City, the receipt whereof is hereby acknowledged, has granted, bargained and sold to City, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

HIGGINBOTHAM SUB S 15 FT OF LT 34 (LESS E 10 FT). THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 20769 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 13881, PAGE 1939, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths ( $\frac{3}{4}$ ) interest in, and title in and to an undivided three-fourths ( $\frac{3}{4}$ ) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half ( $\frac{1}{2}$ ) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include and County hereby expressly releases any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

### ATTEST:

SHARON R. BOCK  
CLERK & COMPTROLLER

PALM BEACH COUNTY, a political  
subdivision of the State of Florida

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
, Chair

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney

PREPARED BY AND RETURN TO:  
Steven K. Schlamp, Property Specialist  
PALM BEACH COUNTY  
PROPERTY & REAL ESTATE MANAGEMENT DIVISION  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

PCN: 58-36-44-14-16-002-0240  
Closing Date: \_\_\_\_\_  
Purchase Price: \$-0-

**COUNTY DEED**

This COUNTY DEED, made \_\_\_\_\_, by PALM BEACH COUNTY, a political subdivision of the State of Florida, whose legal mailing address is 301 North Olive Avenue, West Palm Beach, Florida, 33401-4791, "County", and the CITY OF SOUTH BAY, a municipal corporation, whose legal mailing address is 335 S.W. 2<sup>nd</sup> Avenue, South Bay, Florida, 33493, "City".

**WITNESSETH:**

That County, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars to it in hand paid by City, the receipt whereof is hereby acknowledged, has granted, bargained and sold to City, its successors and assigns forever, the following described land lying and being in Palm Beach County, Florida:

BYRDS ADD LT 24 BLK B. THE ABOVE BEING THE REAL PROPERTY DESCRIBED UNDER TAX CERTIFICATE NUMBER 20426'91 IN THE TAX DEED RECORDED IN OFFICIAL RECORD BOOK 13453, PAGE 97, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Reserving, however, unto County, its successors and assigns, an undivided three-fourths (3/4) interest in, and title in and to an undivided three-fourths (3/4) interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half (1/2) interest in all petroleum that is or may be in, on, or under said land. The aforementioned reservation of phosphate, mineral, metals and petroleum rights shall not include and County hereby expressly releases any and all rights of entry and rights of exploration relating to such phosphate, mineral, metals and petroleum rights.

IN WITNESS WHEREOF, County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year aforesaid.

**ATTEST:**

**SHARON R. BOCK**  
**CLERK & COMPTROLLER**

**PALM BEACH COUNTY, a political**  
**subdivision of the State of Florida**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
, Chair

**APPROVED AS TO FORM**  
**AND LEGAL SUFFICIENCY**

(OFFICIAL SEAL)

By: \_\_\_\_\_  
Assistant County Attorney



# City of South Bay

335 S. W. 2ND AVENUE

South Bay, Florida 33493

July 1, 2008

Mr. Ross Herring, Director  
Palm Beach County Facilities Development  
and Operations Department  
Property and Real Estate Management Division  
2633 Vista Parkway  
West Palm Beach, FL 33411-5605

**RE: Disposition of Three (3) County Owned Tax Deed Properties**


Dear Mr. Herring:

The City of South Bay is interested in obtaining ownership of the three (3) properties located within the municipal boundaries of South Bay as detailed on the attached summary. As noted by PREM staff, these parcels were acquired by the County via Tax Deeds.

In addition, the City requests that the County deed these properties to the City of South Bay free of any restrictions. The City plans to utilize these properties for housing, landscaping or other programs that are suitable for the particular parcel.

If you have any questions, you can contact me at (561) 996-6751.

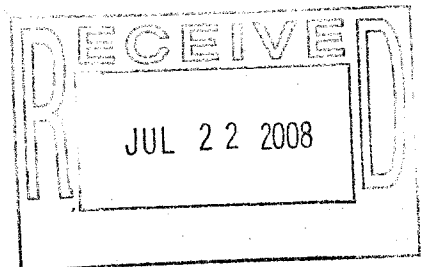
Sincerely,

  
Lomax Harrelle, City Manager  
City of South Bay

Attachments

LH:esd

cc: Mayor and Commission  
Ms. Virginia K. Walker, City Clerk/Treasurer  
Mr. Thomas Montgomery, City Attorney  
Ms. Annette J. Parchment, Director of Community Development/Human Resources



**ATTACHMENT #4**

Select Year: 2008

Go

## The 2008 Florida Statutes

Title XIV

Chapter 197

[View Entire Chapter](#)

## TAXATION AND FINANCE TAX COLLECTIONS, SALES, AND LIENS

**197.592 County delinquent tax lands; method and procedure for sale by county; certain lands conveyed to municipalities; extinction of liens.--**

(1) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold or dedicated by the board of county commissioners may, at its discretion, be conveyed to the record fee simple owner of such lands as of the date the county obtained title to the lands. However, before any conveyance shall be made, the former owner of the lands may file with the board of county commissioners a verified written application which shall show:

- (a) The description of the lands for which a conveyance is sought;
- (b) The name and address of the former owner;
- (c) The date title was acquired by the county;
- (d) The price of the lands as previously fixed by resolution of the board of county commissioners, if this has been done;
- (e) The use to which the lands were enjoyed by the record fee simple owner at the time of acquisition by the county;
- (f) A brief statement of the facts and circumstances upon which the former owner bases the request for restitution of the described property;
- (g) An offer to pay an amount equal to all taxes, including municipal taxes and liens, if any, which had become delinquent, together with interest and costs provided by law.

(2) In the event the described lands have not been assessed for taxes for the current year in which the petition is filed, the applicant shall pay, in addition, the taxes for current and omitted years, the latter amount to be determined by applicable millage for the omitted years and based on the last assessment of the described lands.

(3) Lands acquired by any county of the state for delinquent taxes in accordance with law which have not been previously sold, acquired for infill housing, or dedicated by the board of county commissioners, which the board of county commissioners has determined are not to be conveyed to the record fee simple owner in accordance with the provisions of subsections (1) and (2), and which are located within the boundaries of an incorporated municipality of the county shall be conveyed to the governing board of the municipality in which the land is located. Such lands conveyed to the municipality shall be freely alienable to the municipality without regard to third parties. Liens of record held by the county on such parcels conveyed to a municipality shall not survive the conveyance of the property to the municipality.

(4) Liens of record held by the county upon lands not conveyed in accordance with subsections (1) and (2) or subsection (3) shall not survive the conveyance of the property to the county.

**History.**--s. 1, ch. 22870, 1945; ss. 1, 2, ch. 69-55; s. 1, ch. 72-268; s. 23, ch. 73-332; s. 197, ch. 85-342; s. 7, ch. 86-141; s. 6, ch. 99-190.

**Note.**--Former ss. 194.471, 197.655, 197.302.

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**ATTACHMENT #5**

Select Year: 2008

[Go](#)

## The 2008 Florida Statutes

Title XVIII  
PUBLIC LANDS AND PROPERTYChapter 270  
PUBLIC LANDS[View Entire Chapter](#)

### 270.11 Contracts for sale of public lands to reserve certain mineral rights; prohibition on exercise of right of entry in certain cases.--

(1) Unless the applicable agency chooses not to reserve such interest and except as otherwise provided by law, in all contracts and deeds for the sale of land executed by the Board of Trustees of the Internal Improvement Trust Fund or by any local government, water management district, or other agency of the state, there shall be reserved for such local government, water management district, other agency of the state, or the board of trustees and its successors an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on, or under the said land and an undivided one-half interest in all the petroleum that is or may be in, on, or under said land with the privilege to mine and develop the same.

(2)(a) The Board of Trustees of the Internal Improvement Trust Fund may, in its discretion, sell or release any reserved interest or any portion thereof in or as to any particular parcel of land, and the State Board of Education may sell or release any such interest or any portion thereof which was reserved for said board pursuant to this section prior to September 1, 1967. Such sale or release shall be made on application of the owner of the title to the particular parcel of land with statement of reason justifying such sale or release.

(b) The right of entry in respect to any interest in phosphate, minerals, and metals or any interest in petroleum heretofore or hereafter reserved in favor of the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education is hereby released as to any parcel of property that is, or ever has been, a contiguous tract of less than 20 acres in the aggregate under the same ownership.

(3) A local government, water management district, or agency of the state may, at its discretion, sell or release reserved interest in any parcel of land, except that such sale or release shall be made upon petition of the purchaser for such interest and with a statement of reasons justifying such sale or release.

(4) Any state agency, except a water management district, which receives royalties for parcels shall remit any such moneys into the General Revenue Fund, unless otherwise provided by law.

**History.--**ss. 1, 2, ch. 6159, 1911; RGS 1226; CGL 1771; s. 1095, ch. 19355, 1939; CGL 1940 Supp. 892(414); s. 1, ch. 26849, 1951; s. 1, ch. 59-220; s. 2, ch. 61-119; ss. 27, 35, ch. 69-106; s. 76, ch. 71-355; s. 1, ch. 86-205; s. 1, ch. 86-257; s. 9, ch. 2001-256.

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**CITY OF SOUTH BAY**  
**DISPOSITION SUMMARY – 2008**

NO.	PCN	SUBDIVISION	STREET ADDRESS	ACRES	ASSESSED VALUE	BOOK/PAGE NUMBER	MONTH/YEAR OF RECORDING
1.	58-36-44-14-05-001-0060	Fisher 2 <sup>nd</sup> Addition	SW 10 <sup>th</sup> Avenue	0.15	\$ 13,500	19437/1928	10/2005
2.	58-36-44-14-07-000-0341	Higginbotham	SW 4 <sup>th</sup> Avenue	0.05	\$ 1,426	13881/1939	06/2002
3.	58-36-44-14-16-002-0240	Byrds Addition	Palm Beach Road	0.06	\$ 2,750	13453/97	02/2002
			<b>TOTALS</b>	<b>0.26</b>	<b>\$ 17,676</b>		

**ATTACHMENT # 6**